

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF LABOR and INDUSTRY

In the Matter of Blueprint Homes, Inc.
Labor and Industry File No.
BC2700854/TMS

**FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION**

Administrative Law Judge James E. LaFave conducted a hearing in this contested case proceeding beginning at 9:30 a.m. on Wednesday June 20, 2007, at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota.

Christopher M. Kaisershot, Assistant Attorney General, Suite 1200, 445 Minnesota Street, St. Paul, MN 55101-2130, represented the Department at the hearing. Blueprint Homes, Inc., did not appear at the hearing, nor did anyone appear on their behalf. The record closed on June 20, 2007, when the hearing ended.

STATEMENT OF THE ISSUE

Whether Blueprint Homes, Inc.'s license, No. 20272013, should be suspended or revoked and that they be subject to censure or a civil penalty pursuant to Minn. Stat. § 45.027, subds. 6-7?

Based upon the record in this matter, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. By letter dated and served by U.S. Mail on May 22, 2007, the Department's attorney began this contested case proceeding by serving Blueprint Homes, Inc. with the Notice of and Order for Hearing, Order to Show Cause, Order for Summary Suspension and Statement of Charges, directed to the address that Blueprint Homes, Inc., had provided to the Department.

2. The Notice of Hearing scheduled a hearing in this contested case proceeding beginning at 9:30 a.m. on Wednesday, June 20, 2007, at the Office of Administrative Hearings, in Minneapolis.

3. The Notice of and Order for Hearing, Order to Show Cause, Order for Summary Suspension and Statement of Charges, contained the following warning:

Respondent's failure to appear at the prehearing conference, settlement conference, or the hearing, or failure to comply with any order of the Administrative Law Judge, may result in a finding that the Respondent is in default, that the Department's allegations contained in the Statement of Charges may be accepted as true, and that Respondent may be subject to discipline by the Commissioner, including revocation, suspension, censure, or the imposition of civil penalties.

4. Blueprint Homes, Inc. did not appear at the June 20, 2007, hearing nor did they make a prehearing request to the ALJ to be excused from appearing at that hearing or to have the hearing rescheduled for a later date.

5. Because Blueprint Homes, Inc. failed to appear they are in default.

6. Pursuant to Minn. R. 1400.6000, the allegations contained in the Notice of and Order for Hearing, Order to Show Cause, Order for Summary Suspension and Statement of Charges are taken as true and incorporated into these Findings of Fact.

7. The Administrative Law Judge adopts as Findings any Conclusions that are more appropriately described as Findings.

Based upon these Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. Minnesota law¹ gives the Administrative Law Judge and the Commissioner of the Minnesota Department of Labor and Industry authority to conduct this proceeding, to consider the issues raised here, and to make findings, conclusions, and orders.

2. The Department has complied with all relevant procedural requirements.

3. Blueprint Homes, Inc., was given proper and timely notice of the hearing that was scheduled for June 20, 2007.

¹ Minn. Stat. §§ 14.50 and 45.027.

4. Under the Office of Administrative Hearings' rules,² Blueprint Homes, Inc., is in default because he failed to appear at the scheduled hearing without being excused by the ALJ.

5. Under those rules, when a party defaults, an administrative law judge may take the facts alleged in the the Notice of and Order for Hearing, Order to Show Cause, Order for Summary Suspension and Statement of Charges as true and no longer in dispute.

6. Based upon the facts alleged in the the Notice of and Order for Hearing, Order to Show Cause, Order for Summary Suspension and Statement of Charges, which the Administrative Law Judge has taken as true, Blueprint Homes, Inc., has failed to comply with the requirements of Minnesota's statutes and rules governing building contractors.³

7. The Administrative Law Judge adopts as Conclusions any Findings which are more appropriately described as Conclusions.

8. This Order is in the public interest.

Based upon these Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RECOMMENDED: that the Commissioner of the Minnesota Department of Labor and Industry take adverse action against Blueprint Homes, Inc.'s license, No. 20272013.

Dated this 5th day of July, 2007.

s/James E. LaFave

JAMES E. LAFAVE

Administrative Law Judge

NOTICE

This Report is a recommendation, not a final decision. The Commissioner of the Minnesota Department of Labor and Industry will make the final decision after reviewing the hearing record. The Commissioner may adopt, reject or modify these Findings of Fact, Conclusions, and Recommendation. Under Minnesota Law,⁴ the Commissioner may not make his final decision until after the

² Minn. R. 1400.6000.

³ Minn. R. 2891.0040.

⁴ Minn. Stat. section 14.61.

parties have had access to this Report for at least ten days. During that time, the Commissioner must give each party adversely affected by this Report an opportunity to file objections to the report and to present argument. Parties should contact the office of Scott Brener, Commissioner, Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, (651) 284-5065 to find out how to file objections or present argument.